



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SANTIAGO REYES, Individually and on Behalf of
All Other Persons Similarly Situated,

X 08-CV-03315 (RJH)

Plaintiffs,
-against-

PREFERRED PAYMENT SYSTEMS CORP. MARK
BARONE, MARK PETRUZZELLI and RUDI
PURISIC (All Doing Business as "Parking Systems"),
And JOHN DOES #1-10,

Defendants.

X PROPOSED
SCHEDULING
ORDER

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: 5/20/08
DATE FILED: 5/20/08

1. Description of the Case

a. Identify the attorneys of record for each party, including lead trial attorney

Plaintiffs

William C. Rand, Esq.(lead)
Law Offices of William Coudert Rand
711 Third Avenue, Suite 1505
New York, NY 10017
(212) 286-1425
Fax (212) 599-7909

Defendants

Joseph M. Labuda, Esq.
Milman Labuda Law Group PLLC
3000 Marcus Avenue, Suite 3W3
Lake Success, NY 11042
(516) 328-8899
Fax (516) 328-0082

Jeffrey M. Gottlieb, Esq.
Law Offices of Jeffrey M. Gottlieb
150 East 18th Street, Suite PHR
New York, NY 10003
(212) 228-9795
Fax (212) 982-6284

b. State the basis for federal jurisdiction

Subject matter jurisdiction under the FLSA, 29 U.S.C. §201.

c. Briefly describe the claims asserted in the complaint and any counterclaims

Plaintiff seeks damages for unpaid wages on behalf of himself and on behalf of a class of plaintiffs under New York State Law and a collective class of plaintiffs under the FLSA.

d. State the major legal and factual issues in the case

- Whether defendants properly paid plaintiff.
- Whether the individual defendants are liable for any unpaid wages.
- Whether a class action and/or collective action are appropriate.

e. Describe the relief sought

Plaintiff seeks declaratory judgment, injunction, unpaid wages, liquidated damages, costs, interests and attorneys fees.

2. Proposed Case Management Plan

a. Identify all pending motions

None-Plaintiff expects to make a motion for approval of notice to the collective action class.

b. Proposed cutoff date for joinder of additional parties

January 31, 2009

c. Proposed cutoff date for amendments to pleadings

March 31, 2009

d. Proposed schedule for completion of discovery, includingi. A date for Rule 26(a)(1) disclosures, if not previously completed

June 1, 2008

ii. A fact discovery completion date

March 31, 2009

iii. A date for Rule 26(a)(2) disclosures

February 1, 2009

iv. An expert discovery completion date, including dates for delivery of expert reports

May 1, 2009

e. Proposed date for filing dispositive motions

June 31, 2009

f. Proposed date for filing a final pretrial order

45 days after all dispositive motions are decided by Court.

g. Proposed trial schedule, indicatingi. Whether a jury trial is requested;

Yes.

ii. The probable length of trial

5 days.

iii. When the case will be ready for trial

30 days after filing of final pretrial order.

3. Consent to Proceed Before a Magistrate Judge: Indicate whether the parties consent unanimously to proceed before a Magistrate Judge.

No.

4. Status of Settlement Discussions

a. Indicate whether any settlement discussions have occurred

None.

b. Describe the status of any settlement discussions

Not applicable.

c. Whether parties request a settlement conference

Not at this time. The parties concur that some factual discovery is necessary before any meaningful settlement discussions could take place.

For the Plaintiff:

LAW OFFICES OF WILLIAM
COUDERT RAND

By: W.C.R.

William C. Rand, Esq.
711 Third Avenue, Suite 1505
New York, New York 10017
(212) 286-1425

SO ORDERED:

Richard J. Holwell U.S.D.J

5/20/08

For the Defendants:

MILMAN LABUDA LAW GROUP PLLC

By: J.M.L.

Joseph M. Labuda, Esq.
3000 Marcus Avenue, Ste. 3W3
Lake Success, New York 11042
(516) 328-8899

5. In light of the extended discovery schedule, no extensions will be granted.

6. A status conference will be held on 4/10/09 at 10:00 a.m.

7. The 5/20/08 conference is cancelled.